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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,262	07/03/2003	Robert Zielewicz	H-566	4112
41245	7590	08/17/2004	EXAMINER	
MARK LEVY & ASSOCIATES, PLLC PRESS BUILDING, SUITE 902 19 CHENANGO STREET BINGHAMTON, NY 13901			GRAVINI, STEPHEN MICHAEL	
			ART UNIT	PAPER NUMBER
			3749	

DATE MAILED: 08/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/612,262	ZIELEWICZ ET AL.
	Examiner	Art Unit
	Stephen Gravini	3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 July 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 and 13-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Narang (US 4,891,892). Narang is considered to disclose a system comprising:

modified clothes dryer **222** and a heating apparatus **76**, said modified clothes dryer being modified for accepting heated fluid from said heating apparatus, and having supporting means **14** for transferring heat from said heated fluid to clothes that are to be dried and deposited therein; or

a clothes dryer **10** for heating wet or damp clothes using heat obtained from a home heating apparatus **76**, said clothes dryer having a rotating drum **12** for tumbling clothes, said rotating drum comprising an inner chamber for accepting clothes needing to be dried, drive means **44** disposed in said clothes dryer for rotating said rotating drum, an air circulating means **68** for circulating air through said inner chamber, heat exchanging means **80** for accepting heated fluid from said home heating apparatus and transferring its heat to said air being circulated in said inner chamber of said rotating drum, whereby said clothes are heated, tumbled, and dried; or

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a clothes dryer that uses heated fluid from a heating apparatus, comprising a clothes drying drum **12** supported in a housing **10**, said clothes drying drum having an inner chamber for tumbling clothes in need of drying, heat exchanging means **80** supported in said housing for accepting heat from said heating apparatus, and then transferring it to said drying drum and said clothes being tumbled therein. Narang is also considered to disclose the claimed air circulating means **68** disposed within said modified clothes dryer, and further comprising means **74** for accepting heated fluid, comprising a radiator **78** (wherein the disclosed burner is considered to apply radiative heat as claimed) that radiates heat from said heated fluid to air that is circulated within said modified dryer by said air circulating means, means for accepting heated fluid, comprising a sensor **154** (wherein the disclosed clogged filter detector is considered to send a sensing signal as claimed) disposed in said clothes dryer for sensing when clothes deposited into said clothes dryer have reached a dry condition, said sensor sending a signal to said heating apparatus to terminate the flow of heating fluid to said clothes dryer in response to said dry condition, a control panel supported by said clothes dryer, said control panel having means to signal said heating apparatus to supply heated fluid to said clothes dryer at column 9 lines 1-20, a timer **157** that is settable to deactivate input of heated fluid into said clothes dryer when either condition occurs: said dry condition or said timer expires, means for accepting heated fluid, in said clothes dryer for setting comprising a timer disposed a predetermined time interval, said timer sending a signal to said heating apparatus to terminate the flow of heating fluid to said clothes dryer when said predetermined time interval has expired at column

6 lines 43-51, a fan **68**, a filter **126** wherein the disclosed lint trap is considered to perform the same patentable function as the claimed filter, and exhaust means **140** for exhausting moisture-laden air, said exhaust means disposed at a rear portion of said clothes dryer, and having communication with said inner chamber.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narang in view of Farrant (US 5,946,814). Narang is considered to disclose the claimed invention, as discussed above under the anticipatory rejection, except for the claimed feature wherein said heat exchanging means comprises a radiator for accepting heated fluid, and whose heat is radiated to surrounding air. Farrant is considered to disclose a wherein said heat exchanging means comprises a radiator for accepting heated fluid, and whose heat is radiated to surrounding air at column 3 lines 30-40. It

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would have been obvious to one skilled in the art to combine the teachings of Narang with the considered teachings found in Farrant for the purpose of using heat generated from one means and apply that heat in a recycled fashion to another device to conserve heat and effectively using heat generation for more than one device.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References A through D and N through Q are considered to disclose radiative heat recovery for use in clothes drying. A prior art search conducted by the examiner has found that home heat radiative heat application for tumbling clothes dryers is common in foreign countries, especially in Japan and Germany. A foreign prior art search should be conducted by applicants in response to this Office action, citing the most relevant foreign prior art with respect to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 703 308 7570. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira S. Lazarus can be reached on 703 308 1935. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Smg
August 16, 2004

Stephen M. Ghariv